

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 13, 1939.

The City Council convened in regular session, at its regular meeting place in the City Hall, on Thursday, April 13, 1939, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

At the request of William H. Bright, representing the proponents, the matter of change in zoning of property at the corner of West 24th and Leon Streets was laid on the table until the next regular meeting.

Councilman Gillis reintroduced the following ordinance as amended:

AN ORDINANCE REGULATING THE SOLICITING OF ADVERTISING AND SUBSCRIPTION CONTRACTS, ALMS OR GIFTS FOR CHARITABLE, PATRIOTIC OR PHILANTHROPIC PURPOSES, AND THE SOLICITATION OF FUNDS BY TELEPHONE; AND THE PROMOTION OR PARTICIPATION IN ENTERTAINMENTS, FAIRS OR BAZAARS FOR CHARITY, PATRIOTISM OR PHILANTHROPY; AND THE SOLICITATION OR ACCEPTANCE OF GIFTS OF PROPERTY FOR ETHICAL, EVANGELISTIC, RELIGIOUS OR MISSIONARY PURPOSES, EXCEPT BY ORGANIZATIONS ON THEIR OWN PREMISES; AND THE HOLDING OF RUMMAGE SALES AND THE SELLING OR OFFERING FOR SALE OF PROPERTY GIVEN FOR SALE FOR CHARITY, PATRIOTISM OR PHILANTHROPY; REQUIRING THE FILING OF APPLICATIONS AND OBTAINING OF PERMITS FOR ALL SUCH SOLICITATION, PROMOTION AND OTHER ACTIVITIES; MAKING IT UNLAWFUL TO OBTAIN ALMS OR GIFTS BY MISREPRESENTATION; DEFINING THE WORD "PERSON"; PRESCRIBING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVING CLAUSE FOR VALID PORTIONS OF THE ORDINANCE; REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the ordinance finally passed.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in ELM STREET from West 13th Street southerly 146 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Elm Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(2) A gas main in GEORGETOWN ROAD across the North Loop Boulevard intersection, the centerline of which gas main shall be $5\frac{1}{2}$ feet west of and parallel to the east line of said Georgetown Road.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(3) A gas main in GEORGETOWN ROAD across North Loop Boulevard intersection, the centerline of which gas main shall be $5\frac{1}{2}$ feet east of and parallel to the west line of said Georgetown Road.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(4) A gas main in EAST 47TH STREET from Caswell Avenue westerly 170 feet, the centerline of which gas main shall be 21 feet south of and parallel to the north line of said East 47th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(5) A gas main in WEST LIVE OAK STREET easterly 75 feet from a point 70 feet east of the east line of South 2nd Street, the centerline of which gas main shall be $13\frac{1}{2}$ feet north of and parallel to the south line of said West Live Oak Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(6) A gas main in EAST 46TH STREET easterly 156 feet from a point 293 feet east of the east line of Duval Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 46th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(7) A gas main in GLENVIEW AVENUE northerly 135 feet from a point 53 feet south of the south line of West 32nd Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Glenview Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(8) A gas main in WINDSOR ROAD from Forest Trail easterly 82 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north line of said Windsor Road.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(9) A gas main in FOREST TRAIL from Windsor Road southerly 170 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Forest Trail.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, the City Council has determined to give relief to domestic water consumers residing within the corporate limits of the City of Austin for the three summer months; namely, for water consumption between May 20 and September 20, 1939, for the purpose of encouraging the further beautification of our city and thereby creating more employment; and

WHEREAS, it is the intention of the City Council that this reduction shall be made only to those water consumers whose use shall be strictly for residential purposes, and is not effective for commercial purposes; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to make effective on all water readings within the corporate limits of the City of Austin, Texas, for all water consumers whose use is strictly for residential purposes, as of June 20 to September 20, 1939, a reduction of 10% from the gross bill on amounts from \$1.00 to \$3.00 inclusive, there being no reduction on any amount less than \$1.00; a reduction of 20% from gross bill on amounts between \$3.01 and \$6.00 inclusive; a reduction of 25% on gross bill on amounts above \$6.00; all amounts of water used in excess of 250,000 gallons per month to be billed net on the regular rate.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, City of Austin has previously leased a part of the Administration Building at the Robert Mueller Airport to the United States Government; and

WHEREAS, this lease expires on June 30, 1939, and the Government wishes to renew this lease for one year, beginning July 1, 1939; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager is hereby authorized to execute said lease for the City of Austin for that portion of the building to be used for offices of representatives of the United States Government operating remote control equipment as a service to aviation at the Airport.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

(1) A telephone pole line in LUPINE LANE ALLEY from Upland Drive west two blocks, the centerline of which pole line shall be 1 foot south of and parallel to the north line of said Lupine Lane Alley.

THAT the work and construction of said pole line, including the excavation of the streets and the restoration and maintenance of said streets after said pole line has been constructed, shall be under the supervision and direction of the City Manager, and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, George P. O'Rourke is the contractor for the erection of a theater building located at 2120-22 South Congress Avenue and desires a portion of the sidewalk space abutting Block 3, Lot 6, Richardson Subdivision within the City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said George P. O'Rourke, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of South Congress Avenue to a point 4 feet west of the west curb line; thence in a northerly direction and parallel with the centerline of South Congress Avenue 42 feet to a point; thence in a westerly direction and at right angles with the centerline of South Congress Avenue to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said George P. O'Rourke, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the south, east and north lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(5) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(6) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(7) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk immediately after the necessity for their

existence on said sidewalk has ceased, such time to be determined by the City Manager, and in any event all such barricades, materials, equipment and other obstructions shall be removed not later than August 1, 1939.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The resolution is as follows:

WHEREAS, the Public Works Administration requires that all projects under its regulation be done in accordance with approved wage scales as published by the Department of Labor of the State of Texas; and

WHEREAS, in the proposed work on Docket Texas 1847-2-F-4, Service Station Improvements, said Department of Labor has furnished the City of Austin with said schedule, but which said schedule did not contain certain classes of labor which will be necessary to be used in the proposed work under Docket Texas 1847-2-F-4, Service Station Improvements; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to submit such additional schedule to the State Director of Public Works Administration, and provide all contractors and sub-contractors on said Docket Texas 1847-2-F-4, Service Station Improvements, with notice that such scale of wages must be complied with.

"Docket Texas-1847-2-F-4
Service Station Improve-
ments
Austin, Texas

SUPPLEMENTARY WAGE SCALE

	<u>Per Hour</u>	<u>Per Day</u>
Acetylene Welder	\$ 1.00	\$ 8.00

The application of Bob J. Lyles Company, Agent for owners, for a change in the zoning of Lots 15 and 16, Block 1, Outlot 45, Division "D", from "A" Residence District to "C" Commercial District, was received. Councilman Gillis moved that the matter be referred to the Board of Adjustment for recommendation. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to advertise for bids on the sale of Three Hundred and Seventy-five Thousand Dollars (\$375,000) of two and one-half percent (2½%) City of Austin school bonds, series of 1939, which bonds constitute one-half of a Seven Hundred Fifty Thousand Dollar (\$750,000) issue authorized at a special election held in the City of Austin April 8, 1938. Said advertisement for bids shall be in the usual and customary form and shall be published at least once in a newspaper published in the City of Austin and in the "Bond Buyer," and the right shall be reserved to the City of Austin to reject any and all bids. Said advertisement shall direct the filing of sealed bids to be opened by the City Council at its regular meeting at 10:30 A. M. on Thursday, April 27, 1939.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND DECLARING AN EMERGENCY," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the ordinance finally passed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF AUSTIN, TEXAS, TO THE AMOUNT OF THREE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS (\$375,000.00), FOR THE PURPOSE OF THE CONSTRUCTION AND IMPROVEMENT OF THE PUBLIC FREE SCHOOL BUILDINGS IN THE CITY OF AUSTIN, AND THE PURCHASE OF GROUNDS AND EQUIPMENT THEREFOR, AND PROVIDING FOR THE PAYMENT OF SAID BONDS.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the ordinance finally passed.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Emma Nicholas for the years 1936 and 1937 on Lots 7 & 8, Block 139, Plat 4, and on Lot 3, Block 1, Outlot 1, Division "B", Plat 31, and for the year 1938 on Lots 7 & 8, Block 139, Plat 4, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$209.68, and for non-payment of said taxes at maturity, penalty in the sum of \$10.48 has been assessed, and interest in the sum of \$22.24, making the total amount of taxes, penalty and interest \$242.40; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$10.48, and one-half of the interest in the sum of \$11.12; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$10.48, and one-half of the interest in the sum of \$11.12, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$10.48 and one-half the interest in the sum of \$11.12, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, made and seconded, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved

Tom Miller
Mayor

Attest:

Hallie McKeen
City Clerk